

PHYSICIAN ASSISTANT COMMITTEE  
MEETING MINUTES  
July 27, 2005

ROLL CALL

The meeting of the Physician Assistant Committee was called to order at 2: 00 p.m. by Charles Scholtes, P.A. in Conference Room 5D, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were sent to the Committee members, media and other interested parties prior to the meeting. The following members answered roll call.

Charles Scholtes, P.A., Chairman  
Randy Kohl, MD  
Carl Rossitto  
Paul Shellabarger, PA

Absent: Gerald Luckey, MD

A quorum was present and the meeting convened. Also present from the Credentialing Division were Becky Wisell, Section Administrator; Sherri Joyner, Credentialing Specialist; Michael Grutsch, Program Manager, Investigations Division; and Terri Nutzman-Buller, Assistant Attorney General.

ADOPTION OF THE AGENDA

Becky Wissell requested that an additional application for PA Supervisor be added to the agenda.

Shellabarger moved, seconded by Kohl, to approve the agenda with changes at the discretion of the chair. Voting aye: Kohl, Rossitto, Scholtes, Shellabarger. Voting nay: none. Absent: Luckey. Motion carried.

APPROVAL OF MINUTES

Kohl moved, seconded by Shellabarger, to approve the minutes of the May 26, 2005 Meeting and June 1, 2005 Conference Call of the Physician Assistant Committee. Voting aye: Kohl, Rossitto, Shellabarger, and Scholtes. Voting nay: none. Absent: Luckey. Motion carried.

APPLICATION REVIEW

Application to Supervise a Third P.A. - Todd Bean, MD, is applying to supervise Stacey Bean, PA, at Kearney County Health Services. Dr. Bean is already certified to supervise Jon Becker, PA, and has an application pending to supervise Amy Eifert, PA. The Committee noted the existence of extenuating factors: Kearney County Health Services has lost a physician; they are actively recruiting for a new physician; they are serving a healthcare shortage area; and all three physician assistants have over five years of experience. Shellabarger moved, seconded by Rossitto, to approve Dr. Bean's request to supervise Ms. Bean. Voting aye: Kohl, Rossitto, Shellabarger, and Scholtes. Voting nay: none. Absent: Luckey. Motion carried.

Application to Supervise a Third P.A. and Application for Secondary Site Approval – Jennifer Bengston, MD, is applying to supervise Jeffrey Breitreutz, PA, at Ord Family Health Center and at a secondary site in Burwell, Nebraska. The Committee noted that the practice is

serving a healthcare shortage area, that Dr. Bengston has worked with Mr. Breitreutz in the past, and that Mr. Breitreutz has extensive experience as a physician assistant in this community. Shellabarger moved, seconded by Kohl, to approve Dr. Bengston's request to Mr. Breitreutz, including the request for secondary site approval. Voting aye: Kohl, Rossitto, Shellabarger, and Schotes. Voting nay: none. Absent: Luckey. Motion carried.

Application for Initial Physician Assistant License – Mikhael Cody is applying for a Nebraska Physician Assistant License. Ms. Cody had a misdemeanor shoplifting conviction in 1994. The Committee noted the relatively minor nature of the offense and the fact that Ms. Cody was eighteen years of age at the time of the occurrence. Kohl moved, seconded by Shellabarger, to approve Ms. Cody's application for licensure. Voting aye: Kohl, Rossitto, Shellabarger, and Schotes. Voting nay: none. Absent: Luckey. Motion carried.

Gerald Luckey, MD, joined the meeting at 2:30

The Committee discussed a request for clarification from Brett Scholting, PA, a full-time physician assistant with the Nebraska National Guard, regarding whether he needs a physician assistant supervisor certified by the Department in order to comply with Nebraska statutes and regulations. Mr. Scholting was informed by his superiors that as a National Guard employee, that he is a state, not a federal asset, and must comply with state laws. Shellabarger requested additional information regarding Mr. Scholting's day-to-day duties. Kohl suggested the possibility of an exemption from certification requirements if Mr. Scholting was providing medical services in an emergency situation. Luckey suggested we check with other states to see how they handle this situation. Becky Wisell stated that Credentialing staff would obtain more information from the Department's Legal Services section and would ask Mr. Scholting for additional information regarding the nature of his duties and day-to-day work activities.

## LEGISLATION

Wisell informed the Committee that LB 175, which removes the 72-hour limitation on physician assistant prescriptions for Schedule II controlled substances, becomes effective September 1, 2005. LB 306 becomes effective September 4, 2005, and will require applicants for licensure in those professions authorized to prescribe controlled substances to submit fingerprints and pass a background check as a requirement for licensure. Kohl suggested that Credentialing staff check with the Department of Corrections to see how that Department conducts background checks for its employees.

The Committee discussed proposed changes to the Medicine and Surgery Practice Act. The Committee noted proposed changes to the Act that they thought would give the Department more power over the Board. Nutzman-Buller concurred that the proposed Act would result in the Board having less power. Grutsch stated that the proposed Act takes liability away from the Board. Wisell stated that the shift in power was an unintended consequence and urged Committee members to submit their concerns to her.

Wisell provided an overview of some of the major changes proposed to the Uniform Licensing Law (ULL), including the replacement of licensure by reciprocity with licensure by endorsement; the elimination of second renewal notices being sent to licensees; the elimination of continuing education waivers because of disability or because the licensee is not practicing in Nebraska; the

elimination of Letters of Concern; the elimination of the "voluntary surrender" license status; and the addition of a requirement that Boards with five or more members have at least two public members.

Wisell requested that members of the Committee send her in writing any comments they might have regarding the ULL rewrite.

#### FOLLOW UP ON OWNERSHIP/SUPERVISION QUESTIONS

The Committee discussed the situation of a medical practice owned by physician assistants. Wisell stated that Roger Brink of the Department's Legal Services section advised her that under Nebraska laws there is no restriction on who can own a medical practice, but that the Department can refuse to credential a physician assistant supervisor if the Department thinks that adequate supervision cannot be provided. The Committee discussed whether or not a supervising physician can adequately supervise a P.A. when that physician's employer is the P.A. s/he is supervising. Grutsch pointed out that a proper supervisor/supervisee relationship might be maintained in such situations because the supervising physician has the power to immediately terminate the supervisory relationship.

The Committee discussed the application from Robert Crandall, MD, to supervise Stephen Van Noy, P.A., at First Care Medical in Kearney, Nebraska. First Care Medical is owned by Mr. Van Noy and another physician assistant, David Blauvelt. Luckey, seconded by Shellabarger, moved to approve Dr. Crandall's application to supervise Mr. Van Noy. Voting aye: Kohl, Luckey, Rossitto, Shellabarger, and Scholtes. Voting nay: none. Motion carried.

#### GENERAL INFORMATION

The PA Committee will meet on September 14, 2005 at 1:30 p.m.

#### ADJOURNMENT

Rossitto moved, seconded by Luckey, to adjourn the meeting at 4:45 p.m. Voting aye: Kohl, Luckey, Rossitto, Shellabarger, Scholtes. Voting nay: none. Motion carried.

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Sherri Joyner, Credentialing Specialist  
Recorder